

### **REMARKS**

Claims 1-4 and 6-18 are pending in the application. Claim 10 has been amended to address the 101 rejections. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

#### **35 U.S.C. § 101 Rejections**

On page 3 the Office Action rejects claims 10-17 under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C. 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al. 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

Applicants respectfully note that the language of claim 10, as originally filed, made clear that the method was not merely mental steps. Steps such as "loading said translator" and "translating...using said translator" are clearly executed by a processor running on a computer with a memory. Nonetheless, Applicants have amended claim 10 to make clear the method is computer-implemented and the steps are performed by a processor. Accordingly, the process is tied to a particular machine. Support for the amendments is found in original claim 18, which recited a computer-readable medium containing instructions for performing the method of claim 10. One of ordinary skill in the art would understand that such instructions are for execution by a processor in a computer. Moreover, the specification in various places describes software processing in connection with the method, see, e.g., page 2, lines 1-2, and one of ordinary skill in the art would understand that software is executed by a processor in a computer. Likewise, the specification and original claim 1 describe translators, which are clearly computer programs loaded into memory and executed by a processor. Consequently, the amendments to claim 10 are fully supported by the original specification. Withdrawal of the rejection of claims 10-17 is respectfully requested.

#### **35 U.S.C. § 102 Rejections**

Claims 1-4 and 6-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Whipple et al., (US Publication 2004/0193912), hereinafter Whipple. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2

USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.” Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990). Whipple does not show each and every element as set forth in the claims, does not suggest the identical invention as defined in the claims, and does not suggest the elements arranged as required by the claims.

As noted in the prior response, Whipple does not describe “wherein *a type of network device* associated with a received device-agnostic policy implementation *is identified by parsing tags of data* from said received device-agnostic policy implementation represented using Extensible Markup Language (XML) ... each of said plurality of device translators being loaded *after* said type of network device is identified to translate said received device-agnostic policy implementation into corresponding device-specific implementations,” as recited in amended claim 1 (emphasis added).

The present Office Action argues that Whipple teaches “the network API request component including a description of a system API method to be called and one or more parameters to be used in executing the system API” and argues that this is analogous to identifying the network device associated with a received device-agnostic policy implementation by parsing tags of data from received device-agnostic policy implementation. This description is not analogous to the parsing of tags. Further, as noted above, for a claim to be anticipated, the *identical* invention must be shown in as complete detail as is contained in the claim. Whipple clearly does not show parsing of tags of data, and therefore, does not show the identical invention in as complete detail as is claimed. Moreover, the description of a system API method to be called and parameters to be used are not an identification of “the network device associated with a received device-agnostic policy implementation.” The Office Action has failed to identify what in the network API request component is an identification of the network device associated with a received device-agnostic policy implementation. Whipple simply fails to describe this feature.

It is also noted, that Applicants maintain their prior argument that Whipple does not describe “each device translator corresponding to a respective one of said plurality of network devices.” That Whipple teaches that each format preferably has a corresponding API adapter, as

argued on page 2 of the prior office action, does not disclose that each device translator corresponds to one network device.

For at least these reasons, Whipple does not anticipate claim 1. Independent claims 10 and 18 include similar language and, therefore, are also not anticipated. Dependent claims 2-9 and 11-17 are not anticipated for these reasons and their own independent features. Withdrawal of these rejections is respectfully requested.

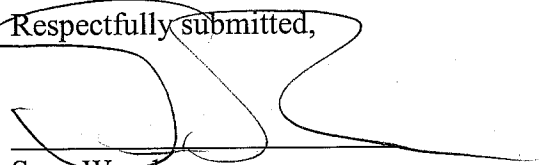
### **Conclusion**

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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Respectfully submitted,



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